



Christian Solidarity  
Worldwide

**Egypt**

**Annual Report  
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<b>1</b>	<b>COUNTRY PROFILE .....</b>	<b>2</b>
1.1	MAP AND GENERAL PROFILE .....	2
1.1.1	<i>Government.....</i>	3
1.1.2	<i>Economy.....</i>	3
1.1.3	<i>Military.....</i>	3
1.1.4	<i>International Disputes.....</i>	3
1.2	HISTORICAL AND POLITICAL BACKGROUND .....	3
1.3	GENERAL HUMAN RIGHTS CONCERNS .....	5
1.3.1	<i>International Human Rights Obligations.....</i>	5
1.3.2	<i>Thematic Concerns.....</i>	6
1.4	RELIGIOUS LIBERTY .....	6
1.4.1	<i>Construction of non-Muslim Places of Worship.....</i>	7
1.4.2	<i>Participation in the Electoral Process and Political Representation.....</i>	8
1.4.3	<i>Education .....</i>	9
1.4.4	<i>Media.....</i>	10
1.4.5	<i>Employment .....</i>	11
1.4.6	<i>The Freedom to Change Religion .....</i>	11
1.4.7	<i>Baha'is .....</i>	14
1.4.8	<i>Jews .....</i>	15
1.4.9	<i>Secularists.....</i>	15
1.4.10	<i>Outbreaks of Violence .....</i>	15
1.5	CONCLUDING REMARKS .....	16
<b>2</b>	<b>REVIEW OF 2001 .....</b>	<b>17</b>
2.1	SUMMARY.....	17
2.2	DETAILS OF CASES .....	17
2.2.1	<i>El-Kosheh Trial Verdict and Re-Trial .....</i>	17
2.2.2	<i>Mother Fights for her Children because of her Faith.....</i>	18
2.2.3	<i>Church Destruction .....</i>	19
2.2.4	<i>Saadeddin Ibrahim.....</i>	20
2.2.5	<i>Other Ongoing Cases.....</i>	21
2.3	CSW ACTION .....	22
2.3.1	<i>Prayer .....</i>	22
2.3.2	<i>Information Sharing.....</i>	23
2.3.3	<i>Publicity.....</i>	23
2.3.4	<i>Public Campaigns.....</i>	23
2.3.5	<i>Monitoring .....</i>	23
2.4	CONCLUSIONS.....	23
2.5	RECOMMENDATIONS .....	23
<b>3</b>	<b>APPENDIX A.....</b>	<b>I</b>
<b>4</b>	<b>APPENDIX B .....</b>	<b>II</b>
<b>5</b>	<b>APPENDIX C.....</b>	<b>V</b>

# 1 COUNTRY PROFILE

## 1.1 MAP AND GENERAL PROFILE<sup>1</sup>



<b>Country Name</b>	<b>Arab Republic of Egypt</b>
<i>Capital</i>	Cairo
<b>Geography</b>	
<i>Border countries</i>	Libya, Sudan, Israel/Palestine
<i>Border waters</i>	Mediterranean Sea, Red Sea
<i>Area</i>	1,001,450 sq km (4 times the size of the UK)
<i>Terrain</i>	Desert interrupted by Nile valley and delta
<i>Climate</i>	Hot, dry summers with moderate winters
<b>People</b>	
<i>Population</i>	69,536,644 (July 2001 est.)
<i>Life expectancy</i>	63.69 years
<i>Ethnic Groups</i>	Eastern Hamitic stock (Egyptians, Bedouins, and Berbers) 99%, Greek, Nubian, Armenian, other European (primarily Italian and French) 1%
<i>Religions</i>	Muslim (mostly Sunni) 94%, Coptic Christian and other 6% <sup>2</sup>
<i>Literacy</i> <sup>3</sup>	male: 63.6% female: 38.8% (1995 est.)
<i>Languages</i>	Arabic (official), English and French widely understood by educated classes

<sup>1</sup> General Profile Source: The World Factbook, 2001

<sup>2</sup> These are the official statistics. The Coptic Church claims that the Christian population is closer to 10%.

<sup>3</sup> age 15 and over can read and write

### **1.1.1 Government**

Egypt is a Republic with President Mohammad Hosni Mubarak currently serving his fourth six-year term since he was first elected in 1981. The president appoints the prime minister and the cabinet.

The Legislative consists of the People's Assembly or *Majlis al-Sha'b* and the Advisory Council or *Majlis al-Shura*. The former has 454 seats, of which 444 are elected by popular vote and 10 are appointed by the president. The latter has 264 seats and functions in a consultative role only.

The Constitution was drawn up under President Nasser in 1971 and was amended in 1980 by President Sadat. The legal system is based on English common law, Islamic law, and Napoleonic codes and is overseen by the Supreme Court and Council of State.

Egypt is divided into 26 governorates or *muhafazat*, (sing. *muhafazah*), consisting of Al Daqahliyah, Al Bahr al Ahmar, Al Buhayrah, Al Fayyum, Al Gharbiyah, Al Iskandariyah, Al Isma'iliyah, Al Jizah, Al Minufiyah, Al Minya, Al Qahirah, Al Qalyubiyah, Al Wadi al Jadid, Ash Sharqiyah, As Suways, Aswan, Asyut, Bani Suwayf, Bur Sa'id, Dumyat, Janub Sina', Kafr ash Shaykh, Matruh, Qina, Shamal Sina' and Suhaj.

### **1.1.2 Economy**

An agreement with the International Monetary Fund (IMF) during the 1990s to cut indebtedness and stabilise the economy resulted in increased privatisation and direct foreign investment. Economic growth surged but took a turn for the worse after the massacre of tourists by Islamic extremists in Luxor in 1997 and the Asian financial crisis. Egypt's current unemployment rate stands at around 11.5%, with many young graduates frustrated with an economy that provides few chances for interesting work or upward mobility. Egypt receives vast amounts of foreign aid from Western governments, international lending organisations such as the World Bank and Arab neighbours, provided largely as a result of Egypt's status of peace with Israel. GDP per capita is estimated at a mere \$3,600. The unit of currency is the Egyptian pound (EGP).

### **1.1.3 Military**

The military consists of the Army, Navy, Air Force and Air Defence Command and accounts for just over 4% of GDP expenditure.

### **1.1.4 International Disputes**

Egypt asserts its claim to the *Hala'ib Triangle*, a barren area of over 20,000 sq km under partial Sudanese administration.

## **1.2 HISTORICAL AND POLITICAL BACKGROUND**

Egypt came under the control of the British in 1882. Tewfiq Pasha, a descendent of the dynasty of Mohammed Ali Pasha, which ruled throughout the 19<sup>th</sup> century, was

installed as a puppet ruler. Egypt was declared a formal Protectorate of the British Empire when the Ottoman Sultan declared his support for the Germans at the outbreak of World War I.

In 1922 Egypt's independence was formally recognised by Britain and Fou'ad I was declared King of Egypt. However, the British maintained control over the Suez Canal and vital government institutions. Political parties were permitted and gained increasing support, the most notable being the nationalist Wafd and the Muslim Brotherhood.

After the end of World War II, the Wafd and Muslim Brotherhood called for the immediate evacuation of British troops. Although troops were withdrawn from Alexandria and the Canal Zone, the war had left Egypt in a shambles, and its defeat in Israel's 1948 War of Independence further added to the chaos.

In 1952, a group of dissident military officers, led by Colonel Gamal Abdel Nasser staged a coup d'état. King Farouk, who had succeeded his father in 1936, was forced to abdicate, political parties were banned and the Suez Canal was nationalised. Together with Israel, the British and French, loathe to give up control of the region launched an attack, but when the USA and the USSR joined the United Nations-deployed peacekeeping forces, the invaders accepted defeat. Nasser became a hero and officially assumed presidency of the Republic in 1956.

Nasser's vehement opposition against Israel, his socialist tendencies and his alliance with the USSR alienated Egypt from the West but his domestic policies were instrumental in improving the lot of the peasant classes. He introduced land reforms and extensive government education programmes but his rule was ruthless and all those in opposition were cruelly silenced.

During the 1967 Six Day war with Israel, Egypt suffered the loss of the Sinai and the closure of the Suez Canal. Incredibly, despite Nasser's ignominious defeat, thousands poured out into the streets in his support. His sudden death in 1970 shocked the Arab world, and millions attended his funeral procession through the streets of Cairo.

Anwar Sadat, Nasser's vice-president, assumed the presidency and set about improving relations with the west. Despite an uncertain start, the surprise attack against Israeli forces in the Sinai on the Jewish holiday of Yom Kippur on October 6, 1973 earned Egypt the Sinai and Sadat the respect of his countrymen. His popularity was entrenched when he granted amnesty to political prisoners, lifted censorship of the press, allowed the formation of political parties and identified himself as a devout Muslim. Furthermore he opened the door to foreign investment and development of the private sector. In 1971, a new constitution was introduced and the country was renamed the Arab Republic of Egypt.

In his most controversial political move, Sadat began making peace with Israel, culminating in the 1979 Camp David peace accord. Israel agreed to withdraw from the Sinai and Egypt officially recognised Israel. To the west, Sadat became the image of moderation and peace but many in the Arab world were outraged and Sadat was branded a traitor. Several Arab countries severed diplomatic and trade relations. Peace with Israel eventually cost him his life, and in October 1981 he was assassinated.

Hosni Mubarak, Sadat's vice president, sworn in soon after Sadat's death, has played a delicate balancing act ever since. His deft political footwork has enabled him to resume relations with neighbouring Arab states while maintaining the peace treaty with Israel. Furthermore, Egypt's involvement in the Gulf War on the side of the allies has helped consolidate her position as a moderate Arab state.

Since the rapid escalation in violence in the Middle East post September 11, Egypt will be looked upon more than ever to play a mediating role as the most influential major regional power broker. However, the recent upsurge in Israeli-Palestinian violence has led to large demonstrations and is placing renewed domestic pressure on the regime to respond, at least by cutting ties with Israel

Mubarak's manoeuvres on the domestic front are just as demanding. Egypt under Mubarak remains a highly controlled state. No rival exists to challenge his dominance although succession is increasingly becoming an issue as the President ages. Keen to preclude factionalism, Mubarak has consistently refused to appoint a vice president.

The rise in Islamic fundamentalism in Arab society has at times jeopardised Egypt's stability and Mubarak's life. Severe government crackdowns on Muslim extremist groups has curbed this threat and improved national security in recent years. With the suppression of these groups, the main threat to the regime comes from mainstream political Islam, particularly the Muslim Brotherhood, Egypt's largest Islamist group.

The Brotherhood seeks to work within the existing political system to create a strict Islamic state. However, under Mubarak's regime, the Muslim Brotherhood is strictly banned and political prisoners remain incarcerated. Although genuine political reform is not on the agenda, Mubarak has offered some cosmetic relaxation of the tight political control, such as loosening his grip on the Egyptian media. Such policies serve to vent public discontentment at the lack of meaningful outlets for political activity and curbs the frustration of Islamists quashed under the regime.

Mubarak is thus keen to avoid unnecessary antagonism of the Muslim population and hence is cautious in his dealings with the large Christian minority. The government denies the existence of sectarian strife, and turns a blind eye in situations of discrimination or persecution of Christians and other religious minorities. In this respect, Mubarak is willing to pander to the agenda of the Islamists in his efforts to project an image of national unity to the watchful eye of the West.

### **1.3 GENERAL HUMAN RIGHTS CONCERNS**

#### ***1.3.1 International Human Rights Obligations***

Egypt is a member of the United Nations and has ratified or acceded to numerous international covenants, including the International Covenant on Civil and Political Rights (ICCPR)<sup>4</sup>, the International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>5</sup>, the International Convention on the Elimination of All Forms of Racial

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<sup>4</sup> Ratification 14 January 1982

<sup>5</sup> Ratification 14 January 1982

Discrimination (CERD)<sup>6</sup>, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)<sup>7</sup>, the Convention on the Rights of the Child (CRC)<sup>8</sup>, the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)<sup>9</sup> and the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (MWC)<sup>10</sup>.

Egypt has also ratified the African Charter of Human and People's Rights.

### **1.3.2 Thematic Concerns**

International human rights groups continue to report human rights abuses in the areas of freedom of expression and association, prisoners of conscience, arbitrary arrest and detention, unfair trials, poor prison conditions, torture and ill-treatment and the death penalty<sup>11</sup>.

## **1.4 RELIGIOUS LIBERTY**

Egypt declared itself an Islamic state in 1956 and currently over 85% of the population are Muslim. The Christian population is officially recorded at around 6%, but Egyptian Christians claim to represent anywhere between 10-20% of society.<sup>12</sup> Of this, by far the largest denomination is the Coptic Orthodox Church, to which approximately 7-10 million people are affiliated. This makes the Coptic Orthodox Church the single largest body of Christians throughout the Middle East. Other religious confessions total less than 1% of society. Examples of such groups are Jews and Bahai's.

The 1971 Constitution affirms that Islam is the religion of the state (Article 2) and guarantees equality of all citizens before the law, regardless of religion or creed (Article 40). Articles 46 and 47 guarantee freedom of belief and practice of religious rites and freedom of opinion respectively.<sup>13</sup>

Egyptian Penal Law protects against the violation of these constitutional principles respecting religious freedom. Article 160 specifically protects against the disruption of religious observance and damaging religious premises or artefacts, whilst Article 161 protects against open attacks on religions by publishing distorted versions of their scriptures or by publicly mimicking their celebrations.

Egypt's Constitution makes international treaties part of national law, thus her commitment to the protection of religious liberties is clearly embedded both nationally and internationally. But according to a Supreme Court decision in 1975, only the three 'divinely revealed religions', namely Islam, Christianity and Judaism are acknowledged by the state and protected by the constitution.

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<sup>6</sup> Ratification 1 May 1967

<sup>7</sup> Accession 25 June 1986

<sup>8</sup> Ratification 6 July 1990

<sup>9</sup> Ratification 18 September 1981

<sup>10</sup> Accession 1993

<sup>11</sup> for further information, see current Human Rights Watch and Amnesty International reports: [www.hrw.org](http://www.hrw.org) and [www.amnesty.org](http://www.amnesty.org)

<sup>12</sup> Accurate figures are almost impossible to obtain as the Church is not permitted to carry out an official census.

<sup>13</sup> for a listing of Articles in the Egyptian Constitution referring to Freedom of Religion, see appendix.

Despite the numerous provisions aimed at protecting the freedom of religion in Egypt, there has been a significant erosion of the distinction between Islamic and Civil Law, with ensuing severe consequences on Egypt's non-Muslim population. In 1980, then President Anwar Sadat amended Article 2 of the Constitution so that Islamic law became "*the* ... principal source of legislation" instead of "*a*... principle source of legislation". In addition, Egypt's ratification of International Human Rights Treaties are made with declarations or reservations that they are compatible with Islamic law.

With Cairo as the intellectual capital of Islam, the ideology that Islam and politics are inseparable is being actively promoted by Islamic thinkers. As Sheikh Al Azhar has commented, 'the theory of separating religion and politics emerged in a non-Islamic environment... Islam does not know secularism in that way because Islam is religion and life and does not separate the two.'<sup>14</sup>

#### ***1.4.1 Construction of non-Muslim Places of Worship***

The legal foundation for the Egyptian state's control of church property was the Ottoman *Hamayouni* Decree of 1856. This decree sought to eliminate discrimination between citizens of different ethnicities and religions. Amongst other things, it gave Christians the right to construct places of worship by requiring them to submit a request to the Sultan.

After Egypt gained its independence, the *Hamayouni* Decree was amplified in 1934 by the Deputy Minister of the Interior, Al-Ezabi Pacha in the *Al-Ezabi* Decree. This comprised a set of 10 conditions which had to be met before any application was presented to the President for approval.<sup>15</sup> These vague criteria include taking into account objections from local Muslims, the distance between the proposed church and the nearest mosque, the number of Christians in the area and whether or not the proposed church is near the Nile, public utility or railway. Human rights monitors have stated that the conditions of the decree are in contradiction with the 1971 constitution. The Al Ezabi amplification has, in reality, served to hinder Christians and other religious minorities from maintaining and building places of worship.

Regarding repairs to church property, progress has been made over the past few years following considerable national and international criticism of the decree. In January 1998, an amendment was made which delegated presidential authority to issue permits for church renovation to the country's 26 provincial governors. On December 28, 1999, President Mubarak decreed that church repairs no longer required a presidential, governors or federal ministry permit. Instead, the repair of all places of worship was to be subject to a 1976 civil construction code, symbolically placing the repair of mosques and churches on equal footing before the law. However, leading Coptic Orthodox clergy have testified that performing repairs to church property is still largely obstructed by local government officials who take pains to delay authorisation by bureaucratic means.<sup>16</sup>

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<sup>14</sup> Sheikh Al Azhar Interviewed on Religion and Politics (FBIS-NES-93-109, 9<sup>th</sup> June 1993):4, cited in Pedro C Moreno, ed., Handbook on Religious Liberty Around the World, Rutherford Institute, 1996.

<sup>15</sup> see Appendix B

<sup>16</sup> CSW Interview with Bishop Wissa of Baliana Diocese, London, October 2000.

The need for presidential assent in order to build a new church is still required. No such permission is necessary for the building of mosques. The *Al Ezabi* Decree creates loopholes for the refusal of an application to build a church in any locality. In addition, the criteria of the decree theoretically promotes the ghettoisation of Christians.

In practice, the state obstructs the construction of new Christian churches, halls, offices and parsonages, leaving many parishes without adequate facilities for worship and other congregational activity. The Coptic Orthodox church has particularly suffered in this regard. Very few of their applications for building permission have been accepted, and a successful application has been known to take up to thirty years before Presidential approval is granted. In Baliana Diocese, Upper Egypt, there are just 25 church buildings servicing a community of approximately 250,000 Coptic Christians and only 3 of these buildings are officially licensed with a Presidential permit.<sup>17</sup>

The current government boasts that since President Mubarak has been in power, he has not denied permission for a single church to be constructed. In 1993, the President himself declared that “*Copts are treated exactly as Muslims... We do not restrict the building of churches. How can we do this in places of worship? The accusations... are groundless*”.<sup>18</sup>

However, the Christian community maintain that many applications have never even reached the President, becoming delayed in the offices of the Interior Ministry. In the circumstance where an application does receive Presidential approval, utilisation of the permit can be blocked at the level of the Interior Ministry or by the state security forces. In some instances, after the issuance of a Presidential decree for church construction, the declaration by local Muslims of a small mosque within close proximity of the construction site, has resulted in obstruction to church building.

In January 1996, lawyer and human rights activist, Mamdouh Naklah, filed suit challenging the constitutionality of the Ottoman Decree. In December 1998, the case was referred to the State Commissioner’s Office by an administrative court. This decision was considered a setback as the State Commissioner’s Office is not required to issue an opinion quickly and its advisory opinions are not binding. Once an opinion is issued, the court is expected to try the case.

#### ***1.4.2 Participation in the Electoral Process and Political Representation***

President Hosni Mubarak heads the ruling National Democratic Party (NDP), which dominates the People’s Assembly and the Shura. The NDP organises general elections and controls the committee which approves the establishment of new political parties. In the October 2000 elections, the NDP won over 85% of the vote. Such an overwhelming majority in parliament means that the NDP effectively controls all legislation, amendment of the constitution and the re-election of the president.

According to Law 40 of 1977, political parties based on religion are forbidden, precluding from legitimate activity one of Egypt’s main political groups, the Muslim

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<sup>17</sup> CSW Interview with Bishop Wissa of Baliana Diocese, London, October 2000

<sup>18</sup> Sherry, 720 as cited in Pedro C Moreno, ed., *Handbook on Religious Liberty Around the World*, Rutherford Institute, 1996.

Brotherhood. Parties whose charters and programs are deemed to be incompatible with Islam are also forbidden under this law, preventing other religious groups from forming their own political parties to defend their interests. The law goes on to require that all political parties must support the clause of the un-amended Egyptian constitution of 1971 which establishes Islamic law as a main source of legislation. The existing legal opposition parties<sup>19</sup> are further restricted in their ability to voice their opinions.

Although all citizens of all faiths are entitled to stand in an election, political backing and public support is much more effective when a candidate is backed by a party, particularly the NDP. If a candidate from a religious minority is not nominated by a political party, his or her chances of winning a seat as an independent are slim. Therefore candidates from religious minorities rely even more heavily on party support than do Muslim candidates. This situation makes it more difficult for candidates from religious minorities to run successfully.

According to government data, of the 4,116 candidates who stood in the last election, 876 were official political party candidates. The remaining 3,240 ran as independent candidates. Only 72 of the latter actually won seats and of these, 35 immediately joined the NDP.

Of the 448 candidates nominated by the NDP, only 11 (2.5%) were Copts. Of these, two were elected: Dr Youssef Boutros Ghali, currently Minister of the Economy and Dr Nadi Makram Ebeid, Minister of the Environment. Ebeid was recently replaced by another Copt, Mamdouh Riad Tadros, in a mini cabinet re-shuffle in November 2001. The third Copt elected, Mounir Fakhry Abd El Nour, came from the Wafd party, which nominated 7 Copts in total. Finally, Rami Lakah, a Roman Catholic who stood as an independent candidate also won a seat. A further three Christians were appointed from the remaining 10 seats which the President is entitled to select.

During the elections, there were disturbing reports of sectarian allegiances being used against strong candidates, both Muslim and Christian, in the final round of elections.<sup>20</sup> Cairo Times journalist, Issandr Elemrani, said, “The willingness of some candidates to fire up sectarian animosity while the government contests the very existence of a religious divide in the country shows an alarming lack of forethought”.<sup>21</sup>

### **1.4.3 Education**

#### **1.4.3.1 Omission of the Coptic Era of Egyptian History and Islamisation of Arabic Language Classes**

In the late 70s there was a gradual withdrawal and marginalisation of the Coptic era of Egyptian history from school curricula and post graduate studies. As a consequence, a whole generation of Egyptians emerged from the state education system knowing little or nothing about their fellow Egyptian Christian citizens. Accusations by some citizens that a Copt is “loyal to the West” or a “stranger in Egypt” reveals the dearth of understanding fostered. Such ignorant utterances serve only to fuel sectarian hatred,

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<sup>19</sup> For a full listing of political parties in Egypt, see Appendix C

<sup>20</sup> see, for example, Cairo Times, “Divide and Rule”, Volume 4, Issue 37, 23-29 November 2000

<sup>21</sup> *ibid.*

which has too often led to violence – something which arguably could have been avoided had the government provided state education in all areas of Egyptian history.

In the past, Islamic material has been prevalent in ordinary Arabic language classes. For example, in an Arabic Language workbook, the correct answer to the question “What do you do when you wake up in the morning?” has been changed from “I pray” to “I recite the Qur’an”. Christian children responding that they read the Bible would be told that their answer was incorrect.

After years of protest, the Minister of Education agreed to reform such Islamic language in state school educational materials. A group of Egyptian intellectuals and professionals met to draw up alternative educational texts for use in schools. Three prototypes were submitted to the Minister including material covering Christianity, the Christian belief and Coptic history for primary, preparatory and secondary schooling levels. The new material has been adopted in state primary and preparatory schools so far.

#### **1.4.3.2 Tertiary Education**

Non-Muslims are not permitted to attend the prestigious, publicly-funded Islamic *Al-Azhar* University in Cairo. There are no Christian Heads of Universities or Deans of Faculties. Egyptian universities lack courses related to the Coptic era in Egypt and the Coptic language, literature, archaeology or art. Coptic educational institutes receive no public funding.

#### **1.4.4 Media**

In the past, Christian issues were hardly ever reported in the Egyptian media. It was rare and shocking even for a Christian name to be mentioned on the television or in the credits at the end of a programme. However, Islamic sermons broadcast on television which mocked Christian beliefs or were in other ways hostile to Christians were common. This type of material reached its climax under Sheikh Sharmo of Al-Azhar, a strong leader, heavily backed by Saudi Arabia. Thankfully, this extreme type of material largely ceased with his death a few years ago.

There are now encouraging signs of greater freedom in the Egyptian press regarding the discussion of Christian issues. For example, problems facing the Copts are for the first time being explored on television and radio. A major local television station broadcasts the Easter and Christmas Coptic masses and a weekly Sunday mass is broadcast on a non-terrestrial Egyptian channel. On the radio, a weekly Sunday mass is broadcast from 9-9.45am but it is integrated within a French programme – a sign that the publicity of Christianity is still deemed very sensitive. There are daily discussions of Coptic issues or articles written by Copts in the newspapers.

Whereas in the past it was very difficult to publish Christian books and other literature, the Bible Society of Egypt (BSOE) and other Christian Publishers are able to operate with relative freedom. Last year, BSOE reported record sales and was able to participate with relatively little interference from the authorities in the International Book Fair in Cairo. However, Christian publishers must still operate with care in

Egypt's predominantly Islamic society and are still subject to certain censorship procedures.

Generally speaking, there have been gradual improvements in recent years in the freedom of the Christian population to participate in the Egyptian media and to use the media as a mouthpiece to raise concerns regarding inequalities suffered by Christians in Egypt. However, Christians are still not on an equal footing with their fellow Muslim citizens in this regard. For example, Christians cannot have their own radio station and only Muslims are permitted to proselytise on the airwaves.

#### ***1.4.5 Employment***

Access to employment in the private sector is open to all Egyptian citizens without discrimination based on religious affiliation. In this sector, Egyptian Christians flourish, representing a far greater proportion than their percentage of the population. This is arguably testimony to the well-educated, driven and industrious nature of the Christian community in Egypt.

It is concerning to note, therefore, that Christians and other religious minorities are severely under-represented in executive posts in Egypt's public sector. On the rare occasions when Christians are promoted to executive positions, it is often just prior to their retirement, meaning they have little time to become effective in their posts. Christians are noticeably absent in public sector executive positions in the military, diplomatic corps, police force, banking, insurance, health, education and administration. For example, none of the current Governors of the 26 Egyptian Governorates are Christians. The only Christian Governor, Field Marshall Fouad Aziz Ghali, a chief military officer in the 2<sup>nd</sup> army, was appointed in the early 1980s as Governor of South Sinai.

#### ***1.4.6 The Freedom to Change Religion***

Religious conversion is an extremely sensitive issue in Egypt, and indeed in much of the Islamic world.

In theory, the State proscribes to a policy of freedom to change religion or belief, as upheld in Article 18 of the Universal Declaration of Human Rights. Neither Egypt's Constitution nor its Civil or Penal code prohibits apostasy and there are no legal restrictions on the conversion of non-Muslims to Islam. However, Muslims who wish to change their religion face a number of legal restrictions, both Civil and Islamic.

Article 98f of the Egyptian Penal Code prohibits any person from degrading or disdaining any of the holy religions or any of its religious sects with the intention of harming national unity and social peace. This Article has also been used to discourage Muslim conversions. For example, in 1986, a man, his wife and two of her sisters were detained under this law (Case No. 444 of 1985).<sup>22</sup> The detainees had converted to Christianity ten years prior to their arrest. In October 1994, Nashwa Abdul Aziz Saleem, a convert to Christianity, was arrested at Cairo International Airport and held at

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<sup>22</sup> Egypt's Converts, A Middle East Concern publication, 1995.

Qanater Women's Prison until January 1995 when she was released to her family. In at least one court appearance, she was charged under Article 98f for denigrating Islam.<sup>23</sup>

#### **1.4.6.1 Identity Cards**

Non-Muslims who convert to Islam are able to obtain new documents recording their change in religious status. However, Egyptian courts have upheld the principle that Muslims who wish to alter their identity papers to record a change in religious affiliation are not permitted to do so.<sup>24</sup> Thus, Christian converts who try to alter their ID cards and other official documents themselves, in order to avoid government harassment, risk facing criminal charges of violating laws prohibiting the falsification of documents. This was the case for Nashwas Abdul Aziz Saleem, cited above. The inability to register a change in religion not only has consequences for the individual convert, but also for their offspring, who are automatically registered as Muslims. Once registered, the children must receive Islamic instruction in school, however contrary to their parents' wishes. These circumstances directly contravene the Convention on the Rights of the Child.

In 1997, Mamdouh Nakhla, a lawyer and human rights activist, filed suit seeking the removal of the religious affiliation category from identification cards. The court referred the case to the State Commissioner's Office, which issued an opinion in May 2000, noting that the legal challenge had not been filed within 60 days of the decree's issuance, as required by law. However, this opinion is not binding and the case is expected to be tried in court.

#### **1.4.6.2 Personal Status Laws**

Several personal status laws negatively affect the legal status of converts from Islam. For example, a Muslim wife is required to divorce an apostate husband; converts from Islam lose all inheritance rights; they also lose custody of their children (Law no. 25 of 1920, Law no. 52 of 1929 and Law no. 77 of 1943). Muslim judges rule in civil cases related to Christians, taking notice only of Sharia law. In the case of a civil marriage between a Muslim and Christian couple, the courts' ruling is said to be usually in favour of the Muslim partner. The Muslim partner is granted the right to keep the children, allegedly because Islam is 'the best religion' and because other religions 'develop pagan practices'.<sup>25</sup> No similar legal consequences befall converts from Christianity to Islam.

#### **1.4.6.3 State Security Investigators (SSI)**

If converts to Christianity are public about their religion, such as attending church services or speaking about their beliefs, they may attract the attention of the State Security Police. As well as the possibility of being charged under Article 98f of the Penal Code, police may accuse converts of causing religious division and unrest. For example, Mustafa El Sharkawy and Mohammed Hussein Sallam were independently

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<sup>23</sup> *ibid.*

<sup>24</sup> Egyptian Human Rights Practices, 1993. US Department of State, January 1994.

<sup>25</sup> Freedom of Religion and Belief, A World Report, Ed. Boyle and Sheen, Routledge: London and New York, 1997.

arrested by the SSI in 1990 and accused of converting to Christianity. They were interrogated and tortured.<sup>26</sup>

#### 1.4.6.4 Shari'ah Law

The Qur'an, Sunna<sup>27</sup>, and Hadith<sup>28</sup> together make up Islamic scripture. Al-Bukhari, recognised as the most authoritative collector of Hadith, relates that "the Prophet said: 'He who forsakes his religion, kill him'".<sup>29</sup> This and other verbal traditions form the basis of Islam's attitude towards those who become apostate - namely that the apostate should be given the opportunity to repent but if he or she persists in his or her apostasy they should be put to death. This view is upheld by prominent Islamic thinkers in Egypt. Sheikh Tantawi of Al-Azhar University, appointed by the Egyptian President, said that, "it is forbidden for any Muslim to change his religion in Egypt"<sup>30</sup>. Muslim preacher, Sheikh Mohammed El-Ghazali of Al-Azhar University, one of Egypt's most prominent Islamic clerics testified that, "any person or group of people who kill an apostate should not be liable for punishment since they would be fulfilling the legitimate punishments proscribed by Islam and should be treated with leniency"<sup>31</sup>. These remarks were labelled 'a clear invitation to murder' by the Egyptian Organisation for Human Rights.

One of the principle threats a Muslim apostate faces is from his family. This is because it is usually considered a great disgrace for an Egyptian Muslim family to have a member regarded as an apostate. A family may disinherit the apostate, kill him or, especially in the case of women, imprison her until she reconverts. The greatest threat often comes from uncles or cousins with less personal attachment who may resort to killing the apostate as proscribed by Shari'ah law.

Thus the fundamental tenet of freedom of religion which the Egyptian Constitution and International Conventions nominally protect does not lie in harmony with Islamic law, the principle source of legislation in Egypt. This results in outright discrimination against converts from Islam. Even so, government ministers have attempted to iron out the inherent dichotomy with statements such as, "there is no discrimination, but the authorities have some laws regulating conversion from one religion to another...We allow every religion in Egypt and have an authority for each religion assisting those who wish to change from one religion to another...Egyptians don't want people to shift from one religion to another to gain some personal benefit".<sup>32</sup>

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<sup>26</sup> From an interview by the Centre for Religious Freedom, Freedom House, June 1998, cited in *Egypt's Endangered Christians*, CFRF/FH, 1999, p71-72.

<sup>27</sup> record of the Prophet Mohammed's behaviour

<sup>28</sup> biographical traditions uttered by the Prophet

<sup>29</sup> *The Codification of Islamic Law*, Al-Azhar University, Cairo 1982, cited in *Egypt's Converts*, A Middle East Concern Publication, 1995.

<sup>30</sup> Interview with Sheikh Tantawi, August 1998, cited in *Egypt's Endangered Christians*, a report by the Centre for Religious Freedom, Freedom House, p70.

<sup>31</sup> News Network International, 28 July 1993 and US Department of State, Country Reports on Human Rights Practices for 1993: Egypt.

<sup>32</sup> Muhammad Ali Mahjub, Minister of Religious Affairs, in an interview with Pedro C. Moreno, International Co-ordinator of the Rutherford Institute, Sept 10<sup>th</sup> 1994, cited in Pedro C Moreno, ed., *Handbook on Religious Liberty Around the World*, Rutherford Institute, 1996.

#### **1.4.6.5 Converts to Islam**

By and large, converts to Islam do not face any harassment from the state and are able to change their religious affiliation on Identity Cards. However, often problems arise in the case of Christian women or girls who convert to Islam. Since the conversion of a Christian to Islam also brings shame upon Christian families, there may be reluctance to admit that, typically a daughter, has in fact converted voluntarily to Islam because she wishes to marry a Muslim. Consequently there have been reports of kidnap or rape when in fact the girl in question has eloped.

However, there have been credible reports of militant Muslims kidnapping Christian women, often with the co-operation of the local police, in order to force them to convert to Islam. They may offer the girl financial or property incentives, especially in economically underprivileged areas. In some cases there have been reliable reports of physical coercion, including rape.

When a man converts to Islam from Christianity, problems can arise for his Christian wife and children. Since Islamic Law guarantees the primacy of paternal rights, the children would automatically be listed as Muslims and would therefore be liable to be removed from their mother's custody should the father become deceased or decide to terminate the marriage.

#### **1.4.7 Baha'is**

The Baha'i faith is not recognised as an accepted religion by the state, and therefore Egyptian Baha'is, who number around 10,000, are not fully protected by Egypt's constitution. Members of the Baha'i faith are prosecuted by the official religious establishment, Al-Azhar, which considers them infidels and apostates from Islam.

In 1960, then-President Nasser issued Decree No. 263 ordering the dissolution of all Baha'i Institutions and banning the practice of Baha'i religious rituals and the circulation of literature promoting their beliefs. Baha'i assets were confiscated and some were handed over to Muslim organisations.

Since that time, Baha'is have been imprisoned on charges related solely to their religious convictions. As recently as January 2001, ten members of the Baha'i community from Sohag Governorate, 400 km south of Cairo, were detained by the authorities.<sup>33</sup> The reason given for their arrest was the "possession of documents and leaflets attacking Islam and for being part of an outlawed group."<sup>34</sup>

In 1975 the Supreme Court rejected a case brought by Egyptian Baha'is which challenged the legality of Decree No. 263 on the basis of its unconstitutional discriminatory dispositions, its non-conformity with the UDHR and the failure of the President to submit it to Parliament. Instead, the Supreme Court ruled that the Decree was constitutional and designated the Baha'i faith an unrecognised religion.

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<sup>33</sup> Oral Statement on the Situation of the Baha'is in Egypt presented by the Baha'i International Community to the 57<sup>th</sup> session of the United Nations Commission on Human Rights, 19 March – 27 April 2001.

<sup>34</sup> Oral Statement on the Situation of the Baha'is in Egypt presented by the Baha'i International Community to the 53<sup>rd</sup> session of the Sub-Commission on the Protection and Promotion of Human Rights, 30 July – 17 August 2001.

Since the Baha'is cannot legally marry unless they declare themselves to be adherents of one of the three recognised religions, children born to Baha'is are considered illegitimate. Furthermore, Baha'is have no legal means of controlling matters of personal status, such as pensions, inheritance and divorce. The Baha'i community is periodically subjected to abuse in the Egyptian media.

#### **1.4.8 Jews**

The Jewish community in Egypt is very small, numbering a few hundred only, as most Jews left Egypt in 1948. A number of synagogues exist in Cairo, with one in Alexandria. In addition to relevant items mentioned above, religious intolerance against the Jews is mainly characterised by ubiquitous anti-Semitic expression in the Egyptian press.

#### **1.4.9 Secularists**

Intellectuals suspected of holding atheist and other anti-Islamic views are often prosecuted by the religious and judicial authorities. In the early 1990s, author Alaa Hamed was sentenced to prison terms on two separate occasions for writings that were deemed to be in contempt of Islam and that represented a threat to national unity and social peace. A petition by Al-Azhar claimed that the novel included atheist and pagan ideas and could be considered a call to revolt against the basic social structure.<sup>35</sup>

Salah-Eddine Mohsen, an Egyptian author, was sentenced to three years of hard labour in January 2001 for writings that offended Islam.<sup>36</sup> In June 2001, a case was brought against Nawal el-Saadawi, 70, a writer and former government minister. She was charged under a 9<sup>th</sup> century principle of Shari'ah law, known as *hesba*, which permits Muslims to sue if they believe Islam is being harmed. Lawyer, Nabih el-Wahsh accused Ms Saadawi of being an apostate and recommended to the court that she should be forced to divorce her husband of 30 years on these grounds. The lawyer's decision to bring the case against her was supported by the Grand Mufti Sheikh Nas Farid Wassel, Egypt's most senior cleric, who said that Ms Saadawi's views "ousted her from Islam".<sup>37</sup> However, on July 30th, 2001, after enormous international attention, the Egyptian Court dismissed the case.

#### **1.4.10 Outbreaks of Violence**

From time to time, communal tensions existing between Muslim and Christian communities flare up into outbreaks of violence.

An example of this occurred in the village of El-Kosheh, Sohag Governorate, Upper Egypt between December 31<sup>st</sup> 1999 and January 2<sup>nd</sup> 2000. Twenty-one Christians and a Muslim were killed in what has been described as the largest massacre of Egypt's Coptic Christians in decades.

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<sup>35</sup> Boyle and Sheen, Ed. (1997) Freedom of Religion and Belief: A World Report, Routledge, London and New York, p30

<sup>36</sup> Associated Press, Cairo, 27 January 2001.

<sup>37</sup> The Guardian, 18 June 2001; The Times, 19 June 2001; Reuters, Cairo, 9 July 2001.

The violence stemmed from a dispute between a Muslim trader and a Christian shop-owner on Friday, December 31<sup>st</sup>. Muslim-owned kiosks and Christian-owned shops were damaged or destroyed that day as the violence escalated. While Saturday remained relatively quiet, Sunday saw the brutal murders of 21 Christians amid further violence. The lone Muslim killed was shot by a stray bullet in a neighbouring village. Nobody claimed that Christians killed him.

During the violence, local security forces either stood by or became actively involved in the attacks. It is thus widely believed that the local security police bear some responsibility for the escalation of the violence.

The Egyptian Government denied the sectarian nature of the incident. President Hosni Mubarak blamed subversive foreign elements for instigating the fighting, saying that the culprits behind the clashes were “pushed from abroad”. The authorities’ handling of the incident, including the conduct of the ensuing trial has been widely criticised.

## **1.5 CONCLUDING REMARKS**

Although there have been some improvements for non-Muslim citizens of Egypt, such as in the areas of Church construction, education and freedom of the media, religious intolerance remains a daily reality for the large Christian population and other smaller religious groups. Episodes of discrimination and intolerance toward Christians and other religions which go unchecked, reinforce the concept that their communities are groups with lesser rights than the Muslim majority. The zero tolerance shown towards converts from Islam to other faiths means they live in constant fear for their lives and those of their children.

The growth of political Islam has encouraged the development of religious extremism. Islamists have targeted political opponents in almost every field, labelling them as infidels and collaborators with the West. Since it is in President Mubarak’s interest to control political Islam only to the extent that it does not pose a significant threat to his regime, he appears willing to adopt a “soft” policy concerning the religious freedom of non-Muslim Egyptian citizens. Change is implemented cautiously, and only in those areas deemed less sensitive or in response to significant international outcry.

## 2 REVIEW OF 2001

### 2.1 SUMMARY

- Suspects accused of killing 21 Christians in the El-Kosheh massacre, Sohag Governorate in January 2000 were acquitted in February 2001. As a result of national and international outrage at the verdict, an appeal was lodged by the General Prosecutor. In July, the Supreme Court overturned the initial verdict and ordered a retrial.
- A Christian woman was threatened with the loss of custody of her children due to the conversion of her husband to Islam.<sup>38</sup>
- On at least two separate occasions, Coptic Church property was attacked by Muslim mobs. Several individuals were wounded and a number of homes destroyed.
- Sociology Professor and Human Rights activist, Dr Saadeddin Ibrahim, who was arrested in June 2000 was sentenced to seven years imprisonment in May 2001. On 6 February 2002, the Court of Cassation announced that Ibrahim would be granted a re-trial.
- Coptic Christian, William Shaiboub Arsal, sentenced to 15 years with hard labour in June 2000 for a double murder in the village of El Kosheh, Upper Egypt, remained incarcerated. His appeal is still pending.
- Coptic Christian, Sourial Gayed Ishaak, sentenced to three years with hard labour in July 2000 for insulting Islam in the streets of El Kosheh was released on March 29 2001.
- Coptic Christian, Adly Shakir, remains incarcerated, after his original death sentence was commuted to 25 years on appeal in 1999.

### 2.2 DETAILS OF CASES

#### 2.2.1 *El-Kosheh Trial Verdict and Re-Trial*

An Egyptian State Security Court acquitted murder suspects on February 5 accused of killing 21 Christians in last year's El-Kosheh massacre.

Of the 96 suspects accused of complicity in the communal violence which erupted between December 31, 1999 and January 2, 2000, the Sohag Criminal Court found only four defendants guilty of lesser crimes connected with the massacre.

A penalty of 10 years imprisonment was handed down to Mayez Amin Abdel Rahim, a Muslim found guilty of possession of an illegal weapon during the riots. The other three, all Muslims, were found guilty of deliberately setting alight a truck trailer. One

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<sup>38</sup> Other similar cases were brought to the attention of CSW during the period covered by this report but verification is still pending.

was sentenced to two years imprisonment and the other two were given one year sentences.

The court's verdict shocked and outraged Egypt's Christian community. Coptic Bishop Wissa, whose diocese includes El-Kosheh, said that the verdict served as a green light for Muslims to kill Christians and Coptic Pope Shenouda III condemned the verdict. "We want to challenge this ruling. We don't accept it", he told reporters in Cairo.

The office of Egypt's Prosecutor General, Maher Abdel Wahid, formally contested the Sohag court's verdict on February 22. "There is no doubt that 21 people were killed, and the killers must be brought to justice", he told the *Al-Ahaly* newspaper on February 27.

Cairo's Court of Cassation, the highest appeals court in Egypt, announced it would hear the appeal and on July 30, overturned the initial verdict and ordered a retrial.

Coptic Christians welcomed the news. "This will make Copts feel that the law has given them justice and returned some of their rights which they have for long seen as abused," Mamdouh Nakhla, a Coptic lawyer told Reuters news agency.

A date for the opening of the re-trial was set for May 7<sup>th</sup> 2002.

The El-Kosheh massacre was Egypt's worst clash in 20 years between the country's predominantly Muslim citizens and Coptic Christians, who comprise approximately 10% of the population. Dubbed 'El-Kosheh II', the riots were preceded by a controversial murder investigation in the same village 16 months earlier, when police were accused of rounding up and torturing over 1,000 Coptic villagers to force confessions implicating a Christian as the culprit.

### ***2.2.2 Mother Fights for her Children because of her Faith***

Coptic Christian, Dr Ines Emil Kamal and her two daughters, Mirna, aged 6 and Dina, aged 2, have been living in hiding ever since Ines' husband unexpectedly converted to Islam and severed contact with his wife and family.

Dr Hanna Kamal Hanna Morgan, 38, suffers from paranoid schizophrenia. Whilst being treated for this illness in February 2000, he suddenly converted to Islam and left his wife and family.

The alleged conversion has had severe implications on the family since Egyptian Islamic law guarantees the primacy of paternal rights. As a Muslim, Morgan has the right of custody of his two daughters, since the girls are automatically listed as Muslims on his conversion certificate. Mirna has been escorted to and from school everyday in order to prevent any attempts at kidnapping her.

Shortly after Morgan's family learnt of his alleged conversion, they filed a case to establish his status of mental insanity. The family obtained a medical certificate from the hospital where he was treated, which stated that Morgan was mentally

incompetent to make legal decisions. Dr Ines Kamal then filed a second lawsuit requesting formal cancellation of her husband's certificate of conversion to Islam.

However, the court refused to hear the latter case, declaring that Ines was unauthorised to file the lawsuit because she was considered to have no legal relation to Morgan. In effect the court was claiming that Morgan's conversion certificate had severed his marriage with his Christian wife. The ruling was appealed but the courts again ruled against her.

In June 2001, Dr Ines learned that a court case had been opened by Morgan himself, formally requesting custody of Mirna and Dina..

In a horrific turn of events, Hanna Morgan broke into his mother-in-law's home in November 2001, stabbing her and her sisters with a large knife. Fortunately, he was unaware that his daughter, Dina, was asleep in another part of the house. The attack was apparently in response to his failure to gain visiting rights and custody of his two young daughters from a local court.

He was arrested and jailed without bail on charges of attempted murder.

Despite the shocking nature of these events, Ines' fears that Morgan might gain custody of their daughters have been allayed, since he remains behind bars for the foreseeable future.

The family is convinced that his alleged conversion was forced, since Morgan's unstable mental state rendered him incapable of making such a decision. Some sources have suggested that since his conversion, a local Islamist group has provided him with funds and protection.

### ***2.2.3 Church Destruction***

#### **2.2.3.1 Al-Ubor City**

A church still under construction in Al-Ubor city, on the outskirts of Cairo, was attacked by local authorities and damaged on Sunday December 16.

Just hours after church members gathered to pray in the newly-built prayer room, local authorities stormed the building and a number of people were arrested.

The land on which the church was being built had been assigned by the government for the building of a new church, but a presidential permit for its construction had not yet been granted.

To date, CSW does not know if any of the perpetrators of the violence have been brought to justice.

### **2.2.3.2 Bani El Walmous**

Christians who gathered to celebrate their first mass in a small village church were attacked with rocks and firebombs by a Muslim mob near El-Minya, 140 miles south of Cairo.

The attack took place on Sunday February 10<sup>th</sup> 2002. Several individuals were wounded and a number of homes destroyed during the attacks.

Egyptian authorities quickly blamed the clash on “provocative elements from both sides, Muslim and Christian” in official statements. Security forces told Reuters that after a Muslim mob pelted the church with rocks, Coptic Christians inside the building fired shotguns at their attackers.

Despite the fact the Coptic Orthodox Bishop Aghason and the parish priest of the church had informed local police and security authorities in advance about the inauguration ceremonies for the church, police officials did not appear until almost four hours after the violence erupted.

### **2.2.4 Saadeddin Ibrahim**

On May 21, 2001, Egypt’s Supreme State Security Court sentenced Saadeddin Ibrahim to seven years in prison. Six co-defendants were given prison terms ranging from two to five years with labour. Twenty one others were given suspended one-year sentences and were released.

Sociology Professor Saadeddin Ibrahim, 63, founded and directed the Ibn Khaldun Centre for Development Studies in 1988 and has been outspoken on issues of political reform and democratic rights, including raising concerns that discrimination against Coptic Christians was on the increase.

State Security Intelligence (SSI) officers raided his home on June 30<sup>th</sup> 2000, detaining him and some of his associates without charge for up to six weeks.

On September 24, he was formally charged with (a) conspiring to bribe public television officials to secure media coverage of his activities; (b) accepting foreign funds for two voter education projects without official authorization; (c) disseminating false and harmful information about Egypt; and (d) defrauding European Union funds.

The trial opened on November 18, 2000 and ran for 15 sessions, concluding with the announcement of the verdicts in May. Ibrahim was convicted of receiving donations without prior official permission, disseminating false information designed to undermine Egypt’s stature abroad and degrading the European Union.<sup>39</sup>

On 6 February 2002, after two hearing cancellations, the Court of Cassation finally announced that Ibrahim would be granted a re-trial. Ibrahim and his associates were released on 7 February from Mazra'at Tora Prison.

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<sup>39</sup> For a comprehensive and thorough criticism of the Ibn Khaldoun Trial, see Human Rights Watch report “The State of Egypt Vs Free Expression. The Ibn Khaldoun Trial”.

The opening date for the re-trial was set for 27 April 2002.

### **2.2.5 Other Ongoing Cases**

#### **2.2.5.1 William Shaiboub Aرسال**

Coptic Christian, William Shaiboub Aرسال, has been sentenced to 15 years with hard labour for the murder of two men in El-Kosheh village in August 1998.

The murders were the catalyst for the notorious El-Kosheh incident in which over 1000 local Coptic Christians were detained by police, despite the fact that three Muslim men were identified as responsible. Many of those detained were tortured by local police officers, including William, who was first taken into custody on 17<sup>th</sup> September 1998. He was hung upside down by his feet, beaten, tied to a chair and given electric shocks to sensitive parts of his body.

The prosecution witnesses against William, Abdu Mikhail Malak and Yasser Shahid Allam, both army conscripts, quickly retracted their statements, saying that they had only admitted his guilt under duress. Local police officer, Abou Al-Fadl Thabet denied that the two men had been tortured, claiming that they had been at their army post in El-Minya at the time of the alleged torture. However, when the army logbook was examined, it was found to back up the two men's story as it stated that they were actually reported late in returning to their post.

Numerous postponements in William Shaiboub's trial have led to widespread speculation that the timing of his sentencing was being deliberately delayed in order to await a time when international attention might be diverted elsewhere. In the end, his sentence was handed down on the same day that trial proceedings opened for 96 suspects allegedly implicated in the massacre of 21 Christians in El-Kosheh at the beginning of January 2000. Coptic sources believe that it was probably anticipated that news of William's sentencing would be lost amid the coverage of this much larger trial.

William Shaiboub's lawyers have confirmed that his verdict is being appealed at the Egyptian Court of Cassation. However, a date for the hearing has not yet been issued.

He has a wife and three children, all of whom remain in El-Kosheh. His wife is seldom able to afford to visit the prison. One of his children, Emad, was tortured during the investigations after the murders. He was eleven years old at the time.

#### **2.2.5.2 Sourial Gayed Isaak**

Coptic Christian, Sourial Gayed Ishaak, 37, a married shop-owner from El Kosheh village, was sentenced to a three-year prison term with hard labour for allegedly insulting Islam.

Arrested on March 9<sup>th</sup>, 2000, by local police in Dar El-Salaam, Sohag province, Mr Ishaak was detained well beyond the maximum three-month period set by Egyptian law before the verdict was delivered on July 16<sup>th</sup>. His lawyer, Mamdouh Nakhla,

promptly filed for an appeal of the verdict. The sentence was reduced to one year and he was released on 29 March 2001.

Mr Ishaak was the first person to be sentenced in connection with violence that broke out in El-Kosheh, Upper Egypt in January 2000. Witnesses testified that they had heard the Coptic shopkeeper curse Islam in the streets of El-Kosheh village on December 30<sup>th</sup>, 1999, the day before three days of rioting broke out which left 21 Copts and 1 Muslim dead.

Article 161 of the Egyptian Penal Code states that it is a punishable offence to “insult one of the heavenly religions”. However, according to Mr Ishaak’s lawyer, the maximum penalty for conviction of this offence is a two-year prison sentence. Nakhla said the case provided another unfortunate proof that Egypt’s law to punish the insult of religions is “very selectively applied”.

### **2.2.5.3 Adly Shakir**

*This case illustrates police complicity in the attempted conversion of a young girl after holding her incommunicado and the subsequent false conviction of her older brother.*

In March 1997, 13-year old Theresa Shakir, a Coptic Christian, was taken by her teacher, believed to be an Islamic extremist, to a nearby police station where they tried to force her to convert from Christianity to Islam. It took Theresa’s family nine days to secure her release from the police station, having to approach Pope Shenouda III, head of the Coptic Orthodox Church, the office of President Mubarak and several human rights organisations in the meantime. When she was finally released, police told the family that she had changed her religion to Islam.

In November of that year, Adly Shakir, Theresa’s older brother, returned home late one night to find his parents and younger brother shot to death and his sister Nadia, wounded by gunshot. Theresa had also been killed, with her stomach cut open and disembowelled (a method said to be used by the extremist Islamic Group Al Gama’at Al Islamiya for those accused of apostasy). When he ran to the police station to report he incident, Adly was immediately arrested and accused of the murders. He was subjected to severe torture to force a confession and was later convicted and sentenced to death by hanging.<sup>40</sup> On appeal, the sentence was reduced to a 25 year term which Adly Shakir is now serving in Tourah prison, Beni Soweif. Latest reports say that conditions are generally good and he is able to receive monthly visits.

## **2.3 CSW ACTION**

### **2.3.1 Prayer**

CSW has encouraged prayer for all the above cases by alerting churches and prayer networks.

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<sup>40</sup> Source: Center for Religious Freedom, Freedom House, 1319 18<sup>th</sup> St NW, Washington, DC 20034, USA

### **2.3.2 Information Sharing**

CSW continually briefs relevant personnel in Her Majesty's Government, the House of Commons, House of Lords, European Commission, Council of the European Union, European Parliament, EU Foreign Ministries and the United Nations High Commission on Human Rights.

### **2.3.3 Publicity**

CSW raised awareness by issuing press releases, participating in radio broadcasts, submitting feature stories to local, regional, national and Christian press and publishing articles in *Response* and *Action Info*.

### **2.3.4 Public Campaigns**

CSW engaged in a number of campaigning initiatives such as encouraging supporters to write to President Hosni Mubarak of Egypt requesting that religious affiliation of the parent is not given priority over the best interest of the child in custody battles.

### **2.3.5 Monitoring**

CSW will continue to monitor the development of the El Kosheh and the Ibn Khaldoun re-trials and campaign where necessary and appropriate.

## **2.4 CONCLUSIONS**

While CSW welcomes the announcement of a re-trial for the El Kosheh murder investigations and the Ibn Khaldoun Trial, we remain concerned at the continued general violations of religious freedom as set out by numerous international human rights treaties which Egypt has voluntarily entered into. In particular, CSW:

- deplors the fact that primacy of paternal rights guaranteed by Egyptian Islamic law takes precedence over the best interest of the child in custody battles and maintains that decisions made in such cases based solely upon the religious affiliation of the parent directly contravene the Convention on the Rights of the Child.
- condemns the continuing attempts at destruction of Christian places of worship and remains shocked at allegations of police negligence and complicity in these incidences.
- remains concerned that William Shaiboub Aarsal and Sourial Gayed Ishaak continue to be incarcerated and that their appeals, lodged nearly two years ago, have still to be heard.

## **2.5 RECOMMENDATIONS**

CSW calls on the State of Egypt to:

- promote a culture of religious tolerance and respect for human rights by taking steps to ensure that Egyptian citizens of all religions are afforded equal opportunities in employment, education and politics and to discourage sectarian reporting in the local media;
- abolish the outdated Al Ezabi Decree and to bring construction and planning procedures for non-Moslem places of worship in line with existing laws governing the construction of mosques;

- confer equal rights before the law to citizens of all religions, including religious converts in matters of personal status;
- ensure that the El Kosheh and Ibn Khaldoun re-trials are begun swiftly, that all available evidence is given the opportunity to be thoroughly examined and considered and that in every other respect circumstances are created to enable fair trial proceedings.
- ensure that the appeals pending for William Shaiboub Aarsal and Sourial Gayed Isaak are heard swiftly, that all available evidence is given the opportunity to be thoroughly examined and that in every other respect circumstances are created to enable a fair and just hearing;

CSW calls on the European Union and Member States to:

- Hold the Egyptian government to human rights obligations, including those of religious liberty, under the recently signed Association Agreement between the E.U. and Egypt and to make clear to the government of Egypt that continued violation of these obligations will incur serious consequences to existing relations.

CSW calls on Her Majesty's Government of the United Kingdom of Great Britain and Northern Ireland to:

- Make clear to the government of Egypt that continued violations of human rights, including those of religious liberty, will affect negatively the depth and quality of relations between Egypt and HMG, including economic relations, and that improved respect for human rights will strengthen those relations.

CSW calls on the United Nations to urge the Arab Republic of Egypt to:

- To respect and uphold Article 18 of the Universal Declaration of Human Rights;
- To respect and uphold the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, proclaimed by General Assembly resolution 36/55 of 25 November 1981
- To abide by all articles addressing religious freedom in the ICCPR, CERD, and CRC.

### **3 APPENDIX A**

#### **Articles in the Egyptian Constitution Referring to Freedom of Religion**

##### **Article 2**

Islam is the Religion of the State. Arabic is its official language, and the principal source of legislation Islamic Jurisprudence (Sharia).

##### **Article 9**

The family is the basis of the society founded on religion, morality and patriotism. The State is keen to preserve the genuine character of the Egyptian family – with all values and traditions represented by it – while affirming and promoting this character in the interplay of relations within the Egyptian society.

##### **Article 12**

Society shall be committed to safeguarding and protecting morals, promoting the genuine Egyptian traditions and abiding by the high standards of religious education, moral and national values, the historical heritage of the people, scientific facts, socialist conduct and public manners within the limits of the law.

##### **Article 19**

Religious education shall be a principal subject in the courses of general education.

##### **Article 40**

All citizens are equal before the law. they have equal public rights and duties without discrimination due to sex, ethnic origin, language, religion or creed.

##### **Article 46**

The State shall guarantee the freedom of belief and the freedom of practising religious rights.

## 4 APPENDIX B

### The Hamayouni and Al Ezabi Decrees

Originally, the Hamayouni decree sought to achieve equality between Muslims and Copts in order to help support the modern state. The most important articles in the decree included the following:

- ?? The re-establishment of all previous laws concerning Copts, particularly the independent personal status law.
- ?? The formulation of lay councils consisting of religious and secular officials to administer the financial affairs of the church and discuss personal status affairs.
- ?? Papal requests for church-building presented to the sultan and a licence subsequently issued.
- ?? No one is to be punished or prevented from exercising his rights and no one should be forced to abandon his religion.
- ?? Equality between Muslims and Christians in employment.
- ?? Military training and participation as a duty for all males, regardless of their religion.
- ?? All terminology that discriminates between people on the basis of religion should be abolished from the diwans. Offending people on a religious basis is forbidden.

Contrary to what many believe, this was an advanced law that sought to remove discrimination between citizens on the basis of ethnicity, race, or religion. For example, the article regarding licences was formulated after Copts complained that they were not allowed to build their churches. The new law made sure they had that right, and this law existed for 78 years. However, in February of 1934, Minister of the Interior **Al Ezabi Pasha** issued a ministerial decree adding ten conditions for building churches. Those conditions were:

1. Is the land on which the church is to be built empty or agricultural land, and does it belong to the person presenting the request?
2. What is the distance between the proposed church and surrounding mosques?
3. If the land is vacant, is it near Christian or Muslim settlements?
4. If it is close to Muslims, do they have any objection to it?
5. Is there another church belonging to this denomination in the same town or village?
6. What is the distance between the nearest church belonging to this denomination and the town in which the requested church is to be built?
7. What is the number of Christians in the area?

8. If the land on which the church is to be built is close to the Nile, or bridges or public utilities belonging to the Ministry of Irrigation, approval should be sought from the Ministry itself. Also, if it is near railway lines, railway authorities should give their approval.
9. An official report should be made on all the aforementioned points, and it should delineate the surrounding buildings of the requested spot where the church is to be built, including the nearest shops and the distances between these shops and the church.
10. The person making the request should have all these papers signed by the head of the denomination, and the engineer who is responsible. The person making the request should have all these papers signed by the head of the church and the engineer who is responsible for that area, in addition to the aforementioned approvals, and present all the requested papers

Source: Legal Research and Resource Centre for Human Rights, Cairo, Egypt.  
<http://www.geocities.com/lrrc.geo>



## 5 APPENDIX C

### Current Authorised Political Parties in Egypt *Listed by year founded*

No.	Name	Founded	Chairman	Objectives	Papers	Seats in Parliament
1.	Progressive National Unionist Party	1977	Khaled Moheidin	<ul style="list-style-type: none"> <li>· National independence, respect for freedom, democracy and heavenly religions</li> <li>· The Arab nature of Egypt and fighting for the Palestinian Cause</li> <li>· A society free from exploitation</li> </ul>	<i>Al Ahali</i> , weekly <i>Al Ahali</i> , monthly book	6
2.	Hizb al-Ahrar (The Liberal Party)	1977	Mostafa Kamel Murad	<ul style="list-style-type: none"> <li>· Islamic Shari'ah as the only source of Constitution and Law</li> <li>· Elective major offices in the Republic</li> <li>· Cementing the public sector and boosting labour rights</li> <li>· Free press whose leaders are not appointed by the government</li> </ul>	<i>Al-Ahrar</i> , daily. <i>Al-Haquiqa</i> " weekly. <i>Al-Nour</i> , weekly.	1
3.	National Democratic Party	1978	President Mohammed Hosni Mubarak	<ul style="list-style-type: none"> <li>· Welfare to people</li> <li>· To be in line with religious values, traditions and customs</li> <li>· To derive legislations from Islamic Shari'ah</li> <li>· To strike deep roots for democracy and people participation in decision-making</li> <li>· Development (economic, social and political) is essential for progress.</li> </ul>	<i>Mayo</i> , weekly <i>Islamic Iowa</i> , weekly	353 + 35 independents who joined NDP
4.	The Socialist Labour	1978. Reopened 1983.	Ibrahim Shoukry	<ul style="list-style-type: none"> <li>· Good environment to work and progress.</li> <li>· Islamic Shari'ah: source of legislation.</li> <li>· National economy promotion, and social welfare and security</li> <li>· Facilitating services for citizens</li> <li>· Multiparty system.</li> <li>· Freedom of press and parties.</li> </ul>	<i>Al-Shaab</i> , biweekly. <i>Manbar El-Sharq</i> , biquarterly.	
5.	Hizb al-Wafd-al-	1983	Mohammad Fouad	<ul style="list-style-type: none"> <li>· Democracy based on the multiparty system.</li> </ul>	<i>Al-Wafd</i> , daily	7

	Jadid (The New Delegation)		Seraguldin	<ul style="list-style-type: none"> <li>· Respect for human rights and public freedom.</li> <li>· Islamic Shari'ah as the source of legislation.</li> <li>· Pioneering Arab, African and Islamic role of Egypt.</li> </ul>		
6.	A1-Ummah (The Nation)	1983	Ahmad A1 Sabahi Awad Allah	<ul style="list-style-type: none"> <li>· Islamisation as remedy to all ailments</li> </ul>	<i>Al-Ummah, Weekly</i>	
7.	Egypt Arab Socialist	1985	Gamal Eldin Rabie Youssef	<ul style="list-style-type: none"> <li>· Democracy of political action.</li> <li>· Freedom of expression.</li> <li>· Islamic Shari'ah as source of legislation.</li> <li>· National unity based on amity and fraternity.</li> <li>· Press and media means; popular authority.</li> </ul>		
8.	The Egyptian Greens	1990	Dr. Gen. Abdul Moneim El Aasar	<ul style="list-style-type: none"> <li>· Islamic Shari'ah as source of legislation.</li> <li>· Protection of the ecological system.</li> <li>· Optimal use of resources.</li> <li>· Academic and scientific handling of problems</li> </ul>	<i>Al Khodr, weekly</i>	
9.	Democratic Unionist	1990	Ibrahim Abdul Moneim Tork	<ul style="list-style-type: none"> <li>· Protection of political and personal rights.</li> <li>· Comprehensive economic development.</li> <li>· Foreign political constraints to preserve the dignity and prestige of Egypt</li> </ul>		
10.	Misr El-Fatah (Young Egypt)	1990	Gamal Rabie	<ul style="list-style-type: none"> <li>· Frozen on account of inter-member rift</li> </ul>		
11.	Democratic People's Party	1992	Anwar Afifi	<ul style="list-style-type: none"> <li>· Has no activity since its foundation</li> </ul>		
12.	The Nasserist	1992	Diaa Eldin Daoud	<ul style="list-style-type: none"> <li>· Social change towards progress and development.</li> <li>· Defence and liberation of national will.</li> </ul>	<i>Al-Arabi, weekly</i>	3
13.	Social Justice	1993	Mohammad Abdul Aal	<ul style="list-style-type: none"> <li>· Social justice and rights</li> </ul>	<i>Al-Watan Al-Arabi, weekly</i>	
14.	E1-Takaful (Solidarity).	1995	Dr. Usama Mohammad Shaltout	<ul style="list-style-type: none"> <li>· Its philosophy is based on providing the needs of food, clothes and houses through imposing a solidarity tax on the rich.</li> </ul>		
15.	Al Wifaq Al Watani	2000	Ahmed Shuheb	<ul style="list-style-type: none"> <li>· peace, prosperity and development</li> <li>· elimination of all Weapons of Mass Destruction (WMD) from the region</li> </ul>		

NB: 37 seats were won by independent candidates in the Oct 2000 elections, excluding those who subsequently joined the NDP.

Sources: Government data, Elections Around the World [www.electionworld.org](http://www.electionworld.org)